

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of: Jeffry Jovan Philyaw
Serial No.: 09/614,937
Filed: July 11, 2000
Group: 2144
Examiner: Marc D. Thompson
For: LAUNCHING A WEB SITE USING A PASSIVE TRANSPONDER

Mail Stop Appeal
Commissioner for Patents
P.O. Box 1450
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AMENDED BRIEF ON APPEAL

This Brief is submitted in connection with an appeal from the final rejection of the Examiner, dated September 12, 2005, finally rejecting claims 1-16, 18-33, and 35, all of the pending claims in this application.

REAL PARTY IN INTEREST

The real party in interest is LV Partners, L.P., a United States company having a principal office and place of business at 2626 Cole Avenue, Suite 400, Dallas, Texas 75204.

RELATED APPEALS AND INTERFERENCES

There are no related appeals and no related interferences regarding the above-identified patent application.

STATUS OF CLAIMS

Claims 1-16, 18-33, and 35 are pending, stand finally rejected, and are on appeal here. Claims 1-16, 18-33, and 35 are set forth in the CLAIMS APPENDIX attached hereto.

STATUS OF AMENDMENTS

A Response was filed after the mailing of the Final rejection dated September 12, 2005, although no amendments were presented in the Response. A Pre-Appeal Brief Request for Review was filed on March 13, 2006, with accompanying Reasons in Support of Pre-Appeal Brief Request for Review.

SUMMARY OF CLAIMED SUBJECT MATTER

The present invention, as now set forth in independent Claim 1, relates to a method of displaying a web page to a user. The method comprises the step of providing a portable triggering device (reference number 2502 of Figs. 25, 26, and 30; page 45, lines 1-26; page 48, lines 15-23; page 52, line 13 – page 54, line 8) having a unique code stored therein (page 45, lines 1-15; page 47, lines 10-21; page 49, lines 14-18; page 50, lines 22-24; page 53, lines 10-17). The method also includes extracting the unique code from the triggering device with an activation system (page 45, lines 1-8; page 45, line 16 – page 46, line 1; page 49, lines 13-19; page 50, lines 20-24; page 53, lines 11-13; page 54, lines 19-20) when the portable triggering device is proximate to the activation system (reference numbers 2500, 2504, and 2506 of Figs. 25 and 26; reference number 2700 of Fig. 27; reference number 2800 of Fig. 28; and reference numbers 3004 and 3050 of Fig. 30; page 45, lines 1-3, 16-19; page 47, lines 14-15; page 49, lines

11-13; page 50, lines 18-20; page 52, line 13 – page 55, line 2), the activation system (reference number 302 of Figs. 25 and 26; reference number 3048 of Fig. 30; page 45, lines 2-7, 17-21; page 47, lines 13-15; page 48, lines 4-14, 18-23; page 49, lines 13-14; page 50, lines 20-24; page 52, lines 13-16; page 54, line 9 – page 55, line 2) disposed on a network (reference number 306 of Figs. 25, 26) and physically separate from the triggering device (Figs. 25, 26). The method further includes retrieving location information associated with the unique code from a database (reference numbers 2708, 2710, 2712, and 2714 of Fig. 27; reference numbers 2806, 2808, 2810, and 2812 of Fig. 28; reference number 2902 of Fig. 29; page 45, lines 1-8; page 46, lines 2-17; page 48, line 23 – page 49, line 5; page 49, line 18 – page 50, line 6; page 50, line 24 – page 51, line 5), the location information corresponding to a location of the web page on a remote location disposed on the network (page 49, lines 2-5; page 50, lines 8-11; page 51, lines 15-18). The method includes in response to retrieving the location information, automatically connecting the activation system to the remote location (page 46, lines 11-13; claim 17 (as originally filed)); and presenting the web page corresponding to the location information of the remote location to the user via the activation system (reference number 2716 of Fig. 27; reference number 2814 of Fig. 28; page 45, lines 2-8; page 46, lines 17-19; page 49, lines 2-4; page 50, lines 11-13; page 51, lines 6-9, 15-18).

The present invention, as now set forth in dependent Claim 13, relates to the method of Claim 1, wherein the activation system in the step of extracting further includes a unique interface identification code associated with the activation system (reference number 2906 of Fig. 29; page 48, lines 4-14; page 49, lines 22-24; page 52, lines 1-12).

The present invention, as now set forth in independent Claim 19, relates to an apparatus for displaying a web page to a user. The apparatus comprises a portable triggering device (reference number 2502 of Figs. 25, 26, and 30; page 45, lines 1-26; page 48, lines 15-23; page 52, line 13 – page 54, line 8) of a user having a unique code stored therein (page 45, lines 1-15; page 47, lines 10-21; page 49, lines 14-18; page 50, lines 22-24; page 53, lines 10-17). The apparatus also includes an activation system disposed on a network for extracting said unique code from said triggering device (page 45, lines 1-8; page 45, line 16 – page 46, line 1; page 49, lines 13-19; page 50, lines 20-24; page 53, lines 11-13; page 54, lines 19-20) when said portable triggering device is proximate to said activation system (reference numbers 2500, 2504, and 2506 of Figs. 25 and 26; reference number 2700 of Fig. 27; reference number 2800 of Fig. 28;

and reference numbers 3004 and 3050 of Fig. 30; page 45, lines 1-3, 16-19; page 47, lines 14-15; page 49, lines 11-13; page 50, lines 18-20; page 52, line 13 – page 55, line 2), said activation system physically separate from said triggering device (Figs. 25, 26); wherein location information associated with said unique code is retrieved from a database (reference numbers 2708, 2710, 2712, and 2714 of Fig. 27; reference numbers 2806, 2808, 2810, and 2812 of Fig. 28; reference number 2902 of Fig. 29; page 45, lines 1-8; page 46, lines 2-17; page 48, line 23 – page 49, line 5; page 49, line 18 – page 50, line 6; page 50, line 24 – page 51, line 5), said location information corresponding to a location of the web page on a remote location disposed on said network (page 49, lines 2-5; page 50, lines 8-11; page 51, lines 15-18); wherein in response to said location information being retrieved from said database, said activation system is automatically connected to said remote location (page 46, lines 11-13; claim 17 (as originally filed)); and wherein the corresponding web page of said remote location is presented to the user via said activation system (reference number 2716 of Fig. 27; reference number 2814 of Fig. 28; page 45, lines 2-8; page 46, lines 17-19; page 49, lines 2-4; page 50, lines 11-13; page 51, lines 6-9, 15-18).

The present invention, as now set forth in dependent Claim 31, relates to the apparatus of Claim 19, wherein said activation system further includes a unique interface identification code associated with said activation system (reference number 2906 of Fig. 29; page 48, lines 4-14; page 49, lines 22-24; page 52, lines 1-12).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-12, 16-30, and 33-35 stand rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,978,773 to Hudetz et al. (“Hudetz”) in view of U.S. Patent No. 6,297,727 to Nelson (“Nelson”) and further in view of U.S. Patent No. 5,905,248 to Russell et al. (“Russell”).

Claims 13-15, 31, and 32 stand rejected under 35 U.S.C. § 103(a) as obvious over the combination of Hudetz, Nelson, and Russell and further in view of U.S. Patent No. 5,640,193 to Wellner (“Wellner”).

Claims 1-4, 8-11, 16, 18-22, 24, 26, 28, 29, 33, and 35 stand rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,446,871 to Buckley et al. (“Buckley”) in view of U.S. Patent No. 5,903,225 to Schmitt et al. (“Schmitt”).

ARGUMENT

As detailed below, the Applicant believes that the Examiner has improperly applied the Hudetz, Nelson, and Russell references to claims 1 and 19, and has improperly applied the Buckley and Smith references to claim 1 and 19. More specifically, it is Applicant's belief that the §103 rejections based on the combination of Hudetz, Nelson, and Russell and the combination of Buckley and Schmitt are clearly not proper and are without basis.

I. Rejections under 35 U.S.C. § 103

MPEP §2142 specifies that:

The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.

In regard to what an examiner must show in order to establish a *prima facie* case of obviousness, MPEP §2142 further explains that:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. . . . Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

In regard to what an examiner must do in order to meet the first criterion for a *prima facie* rejection, MPEP §2143.01 specifies that:

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention

where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

In the present situation, as explained in more detail below, the various combinations of references proposed by the Examiner are not supported by a proper suggestion or motivation to make each proposed modification. This means that the first criterion for a prima facie rejection has not been met, which in turn means the Examiner has failed to carry the burden of establishing a prima facie rejection. In addition, certain claim limitations are not taught or suggested by the cited combinations, which means that the third criterion for a prima facie rejection has not been met and that the Examiner has failed to carry the burden of establishing a prima facie rejection for this independent reason.

As stated by the Federal Circuit in *Cardiac Pacemakers, Inc. v. Guidant Sales Corp.*, 381 F.3d 1371, 1376 (Fed. Cir. 2004), “[w]hen prior art references require selective combination by the court to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gleaned from the invention itself.” Moreover, the Federal Circuit has recently stated that “[a]s this court outlined in *Ruiz v. A.B. Chance Co.*, 357 F.3d 1270, 1275 (Fed. Cir. 2004), in making the assessment of differences between the prior art and the claimed subject matter, *section 103* specifically requires consideration of the claimed invention ‘as a whole.’ Inventions typically are new combinations of existing principles or features.... The “as a whole” instruction in title 35 prevents evaluation of the invention part by part. *Ruiz*, 357 F.3d at 1275. Without this important requirement, an obviousness assessment might successfully break an invention into its component parts, then find a prior art reference corresponding to each component. *Id.* This line of reasoning would import hindsight into the obviousness determination by using the invention as a roadmap to find its prior art components. Further, this improper method would discount the value of combining various existing features or principles in a new way to achieve a new result—often the essence of invention. *Id.*” *Princeton Biochemicals, Inc. v. Beckman Coulter, Inc.*, 411 F.3d 1332, 1337 (Fed. Cir. 2005).

Applicant submits that the Examiner has taken the approach specifically forbidden by the Federal Circuit in *Princeton Biochemicals* and has simply broken Applicant’s invention into its

component parts, and then attempted to find a prior art reference corresponding to each component. As such, Applicant submits that support for the combination is based on hindsight and the combination is therefore improper.

As will be discussed below in greater detail with respect to specific paragraphs of the Final Office Action (dated September 12, 2005), the motivation provided by the Examiner fails to meet the required standard. As a preliminary matter, Applicant notes that the Examiner relies on *In re Fine* and *In re Jones* and, while both are valid cases, they are also eighteen and fourteen years old, respectively. Applicant has presented two recent cases (*Cardiac Pacemakers* and *Princeton Biochemicals*) where the Federal Circuit has elaborated on the standard required. For example, *Princeton Biochemicals* reiterates the established principle that care must be taken in order to avoid the use of hindsight to “prevent[] evaluation of the invention part by part.”

For convenience, the following paragraphs refer to paragraph numbers of the Final Office Action dated September 12, 2005. It is noted that some paragraphs from the Final Office Action (dated September 12, 2005) are not addressed directly, but Applicant has included them in the present Brief in order to add context to following paragraphs.

A. Independent claims 1 and 19 as rejected by the combination of Hudetz, Nelson, and Russell

Paragraph 9 of the Final Office Action (dated September 12, 2005) states that “regarding claim 1, Hudetz disclosed a method of displaying a web page to a user (Figure 6, column 8 lines 17-20) comprising the steps of retrieving location information associated with the unique code from a database, the location information corresponding to a location of the web page on a remote location disposed on the network (Figure 4, column 9 lines 59-62, column 11 lines 33-60); in response to retrieving the location information, connecting the activation system to the remote location (column 11 lines 28-37); and presenting the web page corresponding to the location information of the remote location to the user via the activation system (Figure 6, column 9 lines 54-62).”

As Applicant stated in the Response filed on December 6, 2004, the Examiner is utilizing the Hudetz reference as teaching the steps of “retrieving location information,” “in response to retrieving a location connection, connecting the activation system to the remote location” and

“presenting the web page to the user.” Hudetz is a system that provides for scanning of a code that relates to an article of manufacture, which is a user activated operation and this user activated operation is something that is originated at the user’s computer. This is distinct from the claims wherein the activation system is separate from the triggering device and “extracts” the unique code from the “triggering” device. First, there is no unique code stored in the Hudetz scanner. Second, there is no activation system that is remote from the triggering device that in any way is disclosed as causing an “extraction” of the unique code from the triggering device. Even if one were to consider some kind of temporary storage (which is not disclosed in Hudetz), this still would not be “extracted” therefrom, as the user system will push the code from the scanner outward to the system. In general, this is a real time push and there is no disclosure that anything would be buffered for any purpose whatsoever. Therefore, the computer to which the scanner is connected cannot be considered to be the activation system, as the activation system is a physically separate device from the triggering device. To that end, there is no way that the activation device which is separate from the triggering device, can be used to connect to the remote location.

Moreover, as Applicant stated in the Response filed on July 7, 2005, the Hudetz reference is a reference that requires a user to actively scan in a code that is designed for the purpose of identifying a manufactured product. Once scanned in, the code is sent to a relational data base node on a network and the lookup performed in a relational data base to determine corresponding location information stored therein. This location information is returned to the user in the form of an HTML page. When the HTML page is returned to the user location, it is the user location that then determines what to do with it. A user location can display this for the user to make a selection or it can make a determination as to whether information was returned with the HTML page and utilize this information to connect to a particular Web site associated with that location information. What Hudetz lacks is a portable triggering device having a unique code stored therein. There is no disclosure in Hudetz that would in any way suggest that the code would be stored in the device itself. The reason for this is that the whole purpose and motivation of Hudetz is to utilize this system to acquire information about products. The only way this would be done is for a user to view the product, see the code and then scan the code to obtain information therefrom. The user would not take a scanner, for example, and connect it to the

user's PC for the purpose of obtaining information about the scanner. The only purpose for the Hudetz system is to retrieve information about product codes which are disposed on a product.

Further, the Examiner has correctly admitted that the term "automatically" with respect to the step of connecting is not taught or suggested in Hudetz. However, the Examiner indicates with the language of paragraph 9 that Hudetz connects the "activation" system to a remote location. The Examiner's use of the term "activation" is not supported in Hudetz. All Hudetz does is to allow a user to, under control of the user, activate a scanner and move the scanner across a bar code. Thus, the "activation" system is not disclosed in Hudetz.

Paragraph 10 of the Final Office Action (dated September 12, 2005) states that "Hudetz taught the invention *substantially* as claimed. However, Hudetz did not expressly disclose a method of providing a portable triggering device having a unique code stored therein and extracting the unique code from the triggering device with an activation system when the portable triggering device is proximate to the activation system, the activation system disposed on a network and physically separates from the triggering device." (Emphasis added)

Applicant submits that Hudetz cannot teach the invention substantially as claimed, as the Examiner has admitted that Hudetz fails to disclose "a method of providing a portable triggering device having a unique code stored therein and extracting the unique code from the triggering device with an activation system when the portable triggering device is proximate to the activation system, the activation system disposed on a network and physically separates from the triggering device," as well as "automatically" (paragraph 14 of the Final Office Action (dated September 12, 2005)).

Paragraph 11 of the Final Office Action (dated September 12, 2005) states that "Hudetz suggested exploration of art and/or provided a reason to modify the method with the portable triggering device feature (Figure 8, column 6 lines 28-33, column 7 lines 17-28, column 12 lines 11-21)." Applicant respectfully traverses this statement for the following reasons.

Col. 6, lines 28-33, are reproduced below, as are lines 34-67.

UPC symbol 46 provides a machine-readable number that uniquely identifies a particular product and its manufacturer. This is useful at the retail point-of-sale, where purchase of a particular item is recorded by scanning the item's bar code symbol. (col. 6, lines 28-33)

There are numerous other formats and systems for assigning product identification numbers to articles of commerce. For example, the International Article Numbering Association ("EAN") assigns its own number to products outside of the U.S. and Canada, and uses a different symbology than used with the UPC. Product identification codes for books are provided by the International Standard Book Numbering System ("ISBN") and are encoded using a symbology specified by that organization. Likewise, magazines and serial publications are assigned product identification codes by the International Standard Serial Numbering System ("ISSN").

These numbering systems share at least three characteristics. First, for purposes of this invention, the identification numbers may be assigned in accordance with an "extrinsic" standard. By extrinsic, it is meant that the assignment of numbers is made a by group or association for the purpose of identifying articles of commerce. It is likely that new types of identification numbers will arise in the future, as will new organizations for assigning and administering those numbers, and the present invention contemplates use of both existing and future extrinsic identification numbers and formats.

Second, the identification numbers may have recognized significance as numbers identifying articles of commerce. The level of recognition may be among the general public, or a defined subset, such as a particular industry or occupation.

Third, the identification numbers may be encoded in a standard, machine readable format--namely, bar codes. Other machine readable formats may also be used for this purpose, including magnetic stripes or optical character recognition ("OCR"), and the present invention could be practiced with product identification numbers encoded in those formats as well. (col. 6, lines 34-67)

Applicant can find no indication in the preceding text that Hudetz has "suggested exploration of art and/or provided a reason to modify the method with the portable triggering device feature" as claimed by the Examiner. The text is simply describing the use of identification codes that have three characteristics, and the fact that Hudetz requires such codes. While the cited text does refer to the use of other codes, it appears that alternate codes must have the three characteristics identified by Hudetz. Although not discussed in detail here, the codes described in both Nelson (a personnel ID code) and Russell (an encoded URL) do not have the three characteristics required by Hudetz. Accordingly, not only can Applicant find no teaching or suggestion for a

combination in the cited text as asserted by the Examiner, but the teaching of Hudetz is contrary to that of Nelson and Russell.

The text of col. 7, lines 17-28, is reproduced below.

Each record 62-68 of database 60 associates a UPC product identification number (contained in fields 70 and 72) with a particular Internet URL and narrative description (contained in fields 74 and 76, respectively). The association is based on selected criteria. In this case, the criteria is the existence of a Web resource sponsored by the manufacturer of the product identified by the UPC number in fields 70 and 72. (If no such resource exists, then the particular product identifier can be omitted from database 60). Other criteria can be used. For example, the association could be based on the existence of a Web site simply referring to or relating to the product.

Again, Applicant can find no indication in the preceding text that Hudetz has "suggested exploration of art and/or provided a reason to modify the method with the portable triggering device feature" as claimed by the Examiner. The text simply states that various association criteria can be used so that "[e]ach record 62-68 of database 60 associates a UPC product identification number (contained in fields 70 and 72) with a particular Internet URL and narrative description (contained in fields 74 and 76, respectively)."

The text of col. 12, lines 11-21, is reproduced below.

The foregoing embodiment is just one example. Many alternatives are possible. For example, in lieu of a bar code scanning device, a card reader could be employed. The card reader would read a magnetic stripe affixed to a card or other printed matter. The card would contain human-readable information about a network resource, and the magnetic strip would contain the resource's numeric or mnemonic address in machine-readable format. Alternatively, a RF data collection scanner or CCD scanning system could be used. Bar code symbol 126 could also be associated with specific commands such as "forward", or "back," or command sequences used to access information.

While the preceding text states that various devices, including a card reader, a RF data collection scanner, and a CCD scanning system may be used in Hudetz, it fails to actually provide any detail whatsoever regarding such embodiments. Moreover, it is unclear as to what structure or functionality such devices have and certainly does not suggest a reason for combining one or

more of the devices with another reference. In fact, the cited text makes no reference to the desirability of either a portable device or a triggering device. Accordingly, it is difficult to understand how such a vague statement would have “suggested exploration of art and/or provided a reason to modify the method with the portable triggering device feature” in the particular manner claimed by the Examiner.

In an attempt to remedy the deficiencies of Hudetz, the Examiner relies on the Nelson reference. However, as Applicant stated in the Response filed on December 6, 2004, the Examiner has utilized the Nelson reference as indicative of a system wherein a portable “triggering” device having a unique code stored therein can be associated with an activation device for extraction of the information therein. This is a conventional transponder system which is typically referred to as an RFID tag system. These tags are typically passive, although some can be active, and they are operable to store a permanent code therein which can be extracted when they are passed by a base station. The base station is operable to transmit power to the RFID tag for the purpose of powering that tag, the result being the transmission of the code therefrom. Thus, there is an activation procedure wherein the code is retrieved from the triggering device or the RFID tag. However, there is no motivation or suggestion that this could replace a scanner. First, it operates considerably different than a scanner in that the code is permanently associated therewith, as opposed to a scanning device which scans an external code, wherein the scanner has no unique code stored therein. Even though the transponder systems typically will have some methodology wherein the code is retrieved and utilized for verification and even access, there is no suggestion that granting an access would in any way result in obtaining any location information that will correspond to location of a web page on a remote location disclosed on a network. The Examiner has utilized the Russell reference to show this step of “automatically” connecting. The Russell reference is a reference that does not have to retrieve location information associated with a unique code, since the location information is embedded within the unique code. Therefore, there would not be required any step of retrieving.

Paragraph 12 of the Final Office Action (dated September 12, 2005) states that “[i]n an analogous art, Nelson disclosed a method of providing a portable triggering device having a unique code stored therein (Abstract, column 3 lines 10-13, column 5 lines 42-50) and extracting the unique code from the triggering device with an activation system when the portable triggering device is proximate to the activation system (column 1 lines 40-47, lines 56-61,

column 3 lines 10-13, column 6 lines 8-25), the activation system disposed on a network and physically separates from the triggering device (column 3 lines 10-13, column 11 lines 9-12).”

Paragraph 13 of the Final Office Action (dated September 12, 2005) states that “[i]t would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Hudetz with the teachings of Nelson to include the portable triggering device in order to offer users a more automatic method in obtaining the identification code using the interrogator unit and the triggering device (Nelson, column 6 lines 8-21) since this would allow users to access published locations without having to manually enter the published address through input devices (Hudetz, column 2 lines 53-55).”

The text of col. 6, lines 8-21, of Nelson is reproduced below.

The identification code stored in the memory of transponder 22 becomes associated with a particular code recipient when patch 20 is adhered to that code recipient. Thereafter, the memory of transponder 22 can be remotely read using an interrogator unit in order to determine the identification code previously associated with the code recipient. This procedure is schematically shown in FIG. 3. Referring to FIG. 3, a code recipient 30 carries patch 32 containing a transponder 34. In order to determine information comprising the identification code stored in transponder 34 and associated with the code recipient 30, interrogator unit 36 transmits an interrogation signal 38 to transponder 34. After receiving and processing the interrogation signal 38, transponder 34 transmits response signal 40 back to the interrogation unit 36.

The preceding text of Nelson simply describes the invention of Nelson, and Applicant can find no teaching or suggestion in the cited text of modifying Hudetz with Nelson.

The text of col. 2, lines 52-55, of Hudetz is reproduced below, as is the remainder of the paragraph (lines 55-67) that is not cited by the Examiner. Also reproduced is the paragraph of col. 3, lines 1-13, which immediately follows the paragraph cited in the Office Action.

In our copending application, we proposed to resolve these problems by allowing people to access published locations without having to manually enter the published address. (col. 2, lines 53-55)

In accordance with one embodiment of the invention, disclosed in our court pending application the mnemonic address or verbal description of a network location is published along with the

location's numeric address in bar code format. The user's computer is equipped with a bar code reader and browser software. The bar code reader is suitably interfaced to the computer's browser software to allow bar code input to be accepted as address information. When the user sees an interesting published address, he scans the associated bar code using the bar code reader, thereby loading the desired numeric address into the browser. The browser then accesses the Web or other site corresponding to that numeric address. (col. 2, lines 55-67)

We are finding several problems with this and other approaches that have been tried. First, some URLs and other network addresses contain upwards of 20-30 characters, and therefore require very long bar code symbols, which can clutter advertising and packages, and may not be practical from either an esthetic or technical perspective. Second, placing URLs on printed material (whether or not in bar code format) requires manufacturers to redesign products, packaging and/or advertisements, and many manufacturers may be reluctant to do this. Third, previous proposal, if the network address is changed, the package needs to be redesigned, and packages already in the marketplace will have incorrect address information. (col. 3, lines 1-13)

Even assuming, for purposes of argument, that a broad reading of the initial sentence (lines 53-55) lends some credence to the Examiner's contention of a suggestion for modifying Hudetz with Nelson, the remaining portion of the paragraph undermines such a broad reading. As required by MPEP § 2141.02(VI), "[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention." Applicant submits that the Office Action's selective recital of a portion of the paragraph above ignores the portion that leads away from the claimed invention. More specifically, the proposal "to resolve these problems by allowing people to access published locations without having to manually enter the published address" is then addressed by publishing "the mnemonic address or verbal description of a network location ... along with the location's numeric address in bar code format.... When the user sees an interesting published address, he scans the associated bar code using the bar code reader, thereby loading the desired numeric address into the browser." The following paragraph (col. 3, lines 1-13) then describes some problems with this approach. This leads to the present application of Hudetz which:

offers a better way for consumers and others to access resources on remote computers, particularly Web sites. In accordance with one aspect of the invention, the dissemination and entry of network addresses is accomplished by means of existing identification standards (e.g., bar codes) found on ordinary products like soup or soda, in conjunction with a centralized database of network locations. (col. 3, lines 17-19)

Accordingly, the proposal “to resolve these problems by allowing people to access published locations without having to manually enter the published address” does not support the combination of Hudetz and Nelson, but directs the reader to the solution presented throughout Hudetz. The Examiner’s broad reading of this single sentence out of context (e.g., by ignoring the reminder of paragraph) violates the standard imposed by MPEP § 2141.02(VI) that a prior art reference must be considered in its entirety. Applicant submits that, when the single sentence cited in the Office Action is read in context, it fails to provide any suggestion for combining Hudetz and Nelson. In fact, one skilled in the art would have no motivation to combine Hudetz with Nelson, as Hudetz claims to provide a solution to the problem it presents.

Paragraph 14 of the Final Office Action (dated September 12, 2005) states that “[t]he combination of Hudetz and Nelson taught the invention substantially as claimed. However, the combination of Hudetz and Nelson did not teach in response to retrieving the location information, *automatically* connecting the activation system to the remote location.”

Paragraph 15 of the Final Office Action (dated September 12, 2005) states that “Hudetz suggested exploration of art and/or provided a reason to modify the method with the automatic connection with the remote location (column 2 lines 52-67).”

As stated with respect to paragraph 13 of the Final Office Action (dated September 12, 2005), Applicant submits that the cited text of Hudetz is not suggesting exploration of art and/or providing a reason to modify the method as Hudetz claims to provide a solution. In fact, Hudetz actually teaches away from the encoded URLs disclosed by Russell, as Hudetz:

offers a better way for consumers and others to access resources on remote computers, particularly Web sites. In accordance with one aspect of the invention, the dissemination and entry of network addresses is accomplished by means of existing identification standards (e.g., bar codes) found on ordinary products like soup or soda, in conjunction with a centralized database of network locations. (col. 3, lines 17-19)

Paragraph 16 of the Final Office Action (dated September 12, 2005) states that “Russell disclosed a method wherein in response to retrieving the location information, *automatically* connecting the activation system to the remote location (Title, Abstract, column 2 lines 46-67, column 3 lines 1-26).”

The term “retrieving the location” as used by Hudetz and in the context of Russell is different. In Hudetz, “a user enters the product’s UPC symbol manually, by swiping a bar code reader over the UPC symbol, or via other suitable input means. The database retrieves the URL corresponding to the UPC code. This location information is then used to access the desired resource.” (Abstract). However, in Russell, “[w]hen a code symbol (e.g., magstripe or bar code) encoded with the URL is read using a code symbol reader interfaced with a Java-enabled Internet terminal, the corresponding HTTP document is automatically accessed and displayed at the terminal” (Abstract).

Paragraph 17 of the Final Office Action (dated September 12, 2005) states that “[i]t would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combined method of Hudetz and Nelson with the teachings of Russell to include the automatic connection feature in order to allow users to access published locations automatically without manual inputs (Hudetz, column 2 lines 52-67).”

The text of col. 2, lines 52-67, is reproduced below.

In our copending application, we proposed to resolve these problems by allowing people to access published locations without having to manually enter the published address. In accordance with one embodiment of the invention, disclosed in our court pending application the mnemonic address or verbal description of a network location is published along with the location’s numeric address in bar code format. The user’s computer is equipped with a bar code reader and browser software. The bar code reader is suitably interfaced to the computer’s browser software to allow bar code input to be accepted as address information. When the user sees an interesting published address, he scans the associated bar code using the bar code reader, thereby loading the desired numeric address into the browser. The browser then accesses the Web or other site corresponding to that numeric address.

As described before, the Examiner is reciting only a portion of the pertinent text of Hudetz in contravention of MPEP § 2141.02(VI), which requires that a prior art reference must be

considered in its entirety. The paragraph of Hudetz (col. 3, lines 1-13) following the above paragraph recites:

We are finding several problems with this and other approaches that have been tried. First, some URLs and other network addresses contain upwards of 20-30 characters, and therefore require very long bar code symbols, which can clutter advertising and packages, and may not be practical from either an esthetic or technical perspective. Second, placing URLs on printed material (whether or not in bar code format) requires manufacturers to redesign products, packaging and/or advertisements, and many manufacturers may be reluctant to do this. Third, previous proposal, if the network address is changed, the package needs to be redesigned, and packages already in the marketplace will have incorrect address information.

In other words, Hudetz is teaching away from the publication of a “mnemonic address or verbal description of a network location ... along with the location's numeric address in bar code format.” However, Russell is specifically directed to a “System and method for carrying out information-related transactions using web documents embodying transaction enabling applets automatically launched and executed in response to reading URL-encoded symbols pointing thereto.” (Title, see also Abstract and numerous references throughout entire patent). Accordingly, the text of Hudetz directly following that cited by the Examiner actually teaches away from the combination of Russell and Hudetz, and this text must be considered under MPEP § 2141.02(VI). Accordingly, Applicant submits that the preceding language of Hudetz cited in the Final Office Action (dated September 12, 2005) in support of the combination of Hudetz and Russell not only fails to suggest such a combination, but actually teaches away from the combination.

B. Independent claims 1 and 19 as rejected by the combination of Buckley and Schmitt

Paragraph 42 of the Final Office Action (dated September 12, 2005) states that “[r]egarding claims 1 and 19, Buckley disclosed a method and an apparatus for displaying a web page to a user (Figure 9) comprising: a portable device of a user having a unique code stored therein (Figure 1, column 4 lines 49-61, column 5 lines 49-61); and an activation system disposed on a network for extracting the unique code from said device, said activation system

physically separate from said device (column 4 lines 49-61, column 5 lines 49-61, column 8 lines 60-column 9 line 7, column 10 lines 32-39); wherein location information associated with said unique code is retrieved from a database, said location information correspond to a location of the web page on a remote location disposed on said network (column 4 lines 62-column 5 lines 8, column 8 lines 60-column 9 line 7); wherein in response to said location information being retrieved from said database, said activation system is automatically connected to said remote location (column 3 lines 3 1-4 1, column 8 lines 60-column 9 line 7); wherein the corresponding web page of said remote location is presented to the user via said activation system (Figure 9, column 8 lines 60-column 9 line 7, column 12 lines 5-14).”

The Examiner indicates with the language of paragraph 42 (citing column 4 lines 49-61, column 5 lines 49-61, column 8 lines 60-column 9 line 7, column 10 lines 32-39) that Buckley includes an “activation” system.

The text of col. 4, lines 49-61, is reproduced below:

A reader interested in obtaining additional information concerning the subject matter of the article or advertisement utilizes a code reader contained in an instrument such as a pen to read and store a unique code identifying the article. Subsequently, the reader installs the pen in a data well that is designed to receive the unique code from the pen and transmit the code to a computer system.

Alternatively, the pen can communicate directly with the computer. In other words, no physical connection, e.g., no data well, is used. Instead wireless communication technology, such as an infra-red link or other electromagnetic link, is used to allow the pen to communicate directly with a computer.

The text of col. 5, lines 49-61, is reproduced below:

Alternatively, the data reader 16 can communicate directly with a personal computer using wireless communication technology, e.g., a radio-frequency (RF) link, an infrared link, or other electromagnetic link, as described further below. In other words, circuits in the data reader both read the code associated with an article and communicate with a personal computer or other electronic device.

Upon transferring signals representing the scanned code to the computer 28, an application on the computer 28 contacts a company's site on a wide-area network, e.g., on the Internet,

corresponding to the scanned code. Furthermore, the scanned code can include instructions to order a particular item or items from the company.

The text of col. 8, line 60 – col. 9, line 7, is reproduced below:

In embodiments of the present invention, the computer 28 is programmed to receive codes from the data well, and upon receiving a code, to access a database contained either within the computer or at a remote location, e.g., using the Internet. In one embodiment, by way of example, a remote database is accessed by the computer through an Internet server using one of a number of known web browsers. The database provides an Internet home page URL address corresponding to the first four characters of the numeric string, and the computer system connects to the internet site corresponding to the URL address using the web browser. At the Internet site, the last four characters of the numeric string are used to identify the address of a home page corresponding to the particular article or advertisement or product or stock whose bar code was scanned by the reader.

The text of col. 10, lines 32-39, is reproduced below:

The news agency server 110 implements a common gateway interface (CGI) process to dynamically map between a filtered bar code and a corresponding Uniform Resource Locator (URL). The URL refers to specific articles in content databases 114, 116 and 118. Multiple URLs can be associated with a single bar code. The connection server 108 then relays these URLs from the News Corp Web server 110, through the Internet 106, to the client PC 104.

As is clearly evident, the cited text (column 4 lines 49-61, column 5 lines 49-61, column 8 lines 60-column 9 line 7, column 10 lines 32-39) of Buckley simply refers to a device (e.g., a personal computer) that may interact with a scanning device by receiving data therefrom and fails to disclose any type of “activation” system. Accordingly, Applicant submits that Buckley fails to teach or suggest an “activation” system as required by Applicant’s claims.

Paragraph 43 of the Final Office Action (dated September 12, 2005) states that “Berkley taught the invention substantially as claimed; however, Berkley did not expressly disclose a portable *triggering* device having a unique code stored therein and extracting the unique code from the triggering device with an activation system *when the portable triggering device is proximate to the activation system.*”

Paragraph 44 of the Final Office Action (dated September 12, 2005) states that “Berkley suggested exploration of art and/or provided a reason to modify the method and apparatus with other features such as wireless and portable triggering device (column 4 lines 56-61, column 5 lines 49-55, column 11 lines 27-37, column 12 lines 52-58).”

The text of col. 4, lines 56-61, is reproduced below:

Alternatively, the pen can communicate directly with the computer. In other words, no physical connection, e.g., no data well, is used. Instead wireless communication technology, such as an infra-red link or other electromagnetic link, is used to allow the pen to communicate directly with a computer.

The text of col. 5, lines 49-55, is reproduced below:

Alternatively, the data reader 16 can communicate directly with a personal computer using wireless communication technology, e.g., a radio-frequency (RF) link, an infrared link, or other electromagnetic link, as described further below. In other words, circuits in the data reader both read the code associated with an article and communicate with a personal computer or other electronic device.

The text of col. 11, lines 27-37, is reproduced below:

In embodiments of the present invention described above, a code reader is incorporated into a pen. In other embodiments, the code reader may be incorporated in other writing instruments, or may be incorporated in some other, preferably portable, device such as a watch, cellular phone, etc. In still other embodiments, the code reader may be a stand-alone portable device designed to easily fit within a pocket or brief case and may be even incorporated into a laser-pointer-type shaped device which may be attached to a user's keychain.

The text of col. 12, lines 52-58, is reproduced below:

Having thus described at least one illustrative embodiment of the invention, various alterations, modifications and improvements will readily occur to those skilled in the art. Such alterations, modifications and improvements are intended to be within the scope and spirit of the invention. Accordingly, the foregoing description is by way of example only and is not intended as limiting.

Applicant submits that the examples provided by the above text of Buckley do not provide a suggestion for combining Buckley with Schmitt or any reference, but merely provide for variations of the scanner of Buckley (e.g., alternative embodiments of Buckley itself). Furthermore, Applicant submits that a laundry list of possible variations, including the boilerplate text of col. 12, lines 52-58, clearly do not provide a suggestion for making a selective combination based on the current references. Again, as the Federal Circuit required in *Cardiac Pacemakers*, “[w]hen prior art references require selective combination by the court to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gleaned from the invention itself.” Here, the Examiner has not identified any real suggestion for the combination of Buckley and Schmitt, and instead has simply identified various portions of Buckley that identify alternate embodiments. For example, nowhere in the cited text can Applicant find any teaching or suggestion of selectively combining Buckley with a “portable triggering device” as required by the Federal Circuit.

Paragraph 45 of the Final Office Action (dated September 12, 2005) states that “[i]n an analogous art, Schmitt disclosed a portable triggering device [passive transponder] of a user having a unique code stored therein (Abstract, Figure 14, column 2 lines 51-60), which is activated when the portable triggering device is proximate to the activation system (column 3 lines 7-18, lines 53-57, column 12 lines 47-59, column 13 lines 3-15, column 14 lines 26-36).”

Paragraph 46 of the Final Office Action (dated September 12, 2005) states that “[i]t would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method and apparatus of Berkley with the teachings of Schmitt to include a portable triggering device of a user having a unique code stored therein in order to eliminate the cumbersome scanner because the triggering device would communicate with the activation system automatically when the user is in contact with the activation system (Schmitt, column 12 lines 4-55). In addition, the portable triggering device would prevent the users through the inconvenience of locating and manipulating the reader or scanner system (Schmitt, column 2 line 61-column 3 line 3).”

Lines 47-55 of the cited text of Schmitt (col. 12, lines 4-55) are reproduced below.

The authorized person 225 bearing the access card 207 may unobtrusively be granted access merely by approaching the access location. The access triggering device or badge 207 will

communicate with the access controller 210 and grant access as long as the device bearer is sufficiently close to the access location 230. In other words, the authorized person 225 need not go through the inconvenience of manipulating a card in contact with a card reader, for example.

Col. 2, line 61 – col. 3, line 3 are produced below.

The authorized person bearing the access trigger device may unobtrusively be granted access merely by approaching the access location. The access triggering device will communicate with the access control means and grant access as long as the device bearer is sufficiently close to the access location. In other words, the authorized person need not go through the inconvenience of locating and manipulating a card for swiping through a card reader, for example. In addition, the person preferably need not stop for another fingerprinting step at the access location. Moreover, a high degree of security is provided since the person is originally enrolled based upon the positive identification afforded by fingerprint sensing.

The cited text of the Schmitt reference simply identifies a problem for which Schmitt itself provides a solution. This is not a suggestion to combine the reference with another reference, but is merely describing a benefit provided by the reference itself. Furthermore, the identification of a problem is not dispositive of a suggestion or motivation for a combination. With respect to this issue, the Federal Circuit has stated that “the nature of the problem to be solved may, under appropriate circumstances, provide a suggestion or motivation to combine prior art references. However, the test requires that the nature of the problem to be solved be such that it would have led a person of ordinary skill in the art to combine the prior art teachings in the particular manner claimed.... We have recognized this situation when two prior art references address the precise problem that the patentee was trying to solve.” (emphasis added). *Teleflex* at 288. Not only do Buckley and Schmitt contain solutions to their own identified problems and therefore provide no motivation for a combination, but the problems they identify are certainly not the precise problem faced by the Applicant.

C. Dependent claims 13 and 31

Paragraph 33 of the Final Office Action (dated September 12, 2005) states that “[r]egarding claim 13, Hudetz disclosed a method of displaying a web page to a user (Figure 6,

column 8 lines 17-20) comprising the steps of retrieving location information associated with the unique code from a database, the location information corresponding to a location of the web page on a remote location disposed on the network (Figure 4, column 9 lines 59-62, column 11 lines 33-60); in response to retrieving the location information, connecting the activation system to the remote location (column 11 lines 28-37); and presenting the web page corresponding to the location information of the remote location to the user via the activation system (Figure 6, column 9 lines 54-62). Nelson disclosed a method of providing a portable triggering device having a unique code stored therein (Abstract, column 3 lines 10-13, column 5 lines 42-50) and extracting the unique code from the triggering device with an activation system when the portable triggering device is proximate to the activation system (column 1 lines 40-47, lines 56-61, column 3 lines 10-13, column 6 lines 8-25), the activation system disposed on a network and physically separates from the triggering device (column 3 lines 10-13, column 11 lines 9-12). Russell disclosed a method wherein in response to retrieving the location information, *automatically* connecting the activation system to the remote location (Title, Abstract, column 2 lines 46-67, column 3 lines 1-26)."

As Applicant has previously noted, the term "retrieving the location" as used by Hudetz and in the context of Russell is different. In Hudetz, "a user enters the product's UPC symbol manually, by swiping a bar code reader over the UPC symbol, or via other suitable input means. The database retrieves the URL corresponding to the UPC code. This location information is then used to access the desired resource." (Abstract). However, in Russell, "[w]hen a code symbol (e.g., magstripe or bar code) encoded with the URL is read using a code symbol reader interfaced with a Java-enabled Internet terminal, the corresponding HTTP document is automatically accessed and displayed at the terminal" (Abstract).

Paragraph 35 of the Final Office Action (dated September 12, 2005) states that "[t]he combination of Hudetz, Nelson, and Russell did not disclose a method wherein the activation system in the step of extracting further includes a unique interface identification code associated with the activation system. However, in an analogous art, Wellner disclosed a method wherein the activation system in the step of extracting further includes a unique interface identification code associated with the activation system (Abstract, column 1 lines 36-42, column 7 lines 3-10)."

As previously noted, Nelson is the only reference relied upon to provide support for an “activation” system. However, the Examiner indicates with the language of paragraph 35 that Wellner discloses an “activation” system by stating that “Wellner disclosed a method wherein the activation system in the step of extracting ...”. The Examiner’s use of the term “activation” when describing Wellner is not supported in Wellner.

Paragraph 36 of the Final Office Action (dated September 12, 2005) states that “[i]t would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combined teachings of Hudetz and Nelson with the teachings of Richton to include a unique interface identification code in order to allow a user to control the selection of electronic services to be provided to the user by one or more servers over a communication medium (Wellner, column 1 lines 33-36) because this enables the selected electronic service transmitted from the servers to be received by the user’s receiver (Wellner, column 1 lines 42-44).”

The text of col. 1, lines 33-36, is reproduced below.

The invention provides an apparatus and method for enabling a user to control the selection of electronic services to be provided to the user by one or more servers over a communication medium.

The text of col. 1, lines 42-44, is reproduced below.

The apparatus then enables the selected electronic service transmitted from the servers to be received by the user’s receiver.

Applicant assumes that the reference to Richton is a typographical error and that the reference should be to Wellner. Assuming this is so, it appears that the Examiner is relying on Wellner to provide support for the combination, as no support from either Hudetz or Nelson is provided, and the previously cited text of both Hudetz and Nelson fails to support such a combination as described above. However, the cited text of Wellner simply describes the functionality claimed by the Wellner patent. In other words, the suggestion for the combination cited by the Examiner is simply the functionality provided by Wellner. One skilled in the art would not be motivated to combine Wellner with Hudetz or Nelson based on the cited text of Wellner, because the cited text is describing Wellner itself and one skilled in the art would simply apply Wellner. Accordingly, the Examiner has not identified any support in either Hudetz or Nelson for

combining either patent with Wellner, and has only identified text in Wellner that describes Wellner itself, which cannot support the combination as Wellner has no need of either Hudetz or Nelson to support its own described functionality.

Furthermore, Applicant submits that the Examiner is not identifying a suggestion to combine the references in paragraph 36, but is merely selecting sentences from a reference and stating that it would be obvious to one skilled in the art to make the combination. This is the essence of hindsight reasoning. In other words, the Examiner is not providing support for “why” one skilled in the art would select the components for the claimed combination.

D. Dependent Claims 2-12, 14-16, 18, 20-30, 32, 33, 35

The remaining claims 2-12, 14-16, 18, 20-30, 32, 33, 35 depend from and further limit one of claims 1, 13, 19, or 31, and are allowable for at least the same reason as the claim from which they depend as discussed above.

II. Conclusion

Basically, the Examiner is taking a system that scans a standardized product code (e.g., a UPC) and links the code with a web page based on a person's or a computer's selection using an HTML document (Hudetz). He is then combining Hudetz with a transponder that contains a transponder code used for identification purposes (Nelson), even though such a code has no relationship to a product code and even though the transponder has absolutely nothing to do with web pages. A further combination is then made with a device that uses an encoded URL to automatically connect to a web page (Russell) so that the combination of Hudetz and Nelson can automatically connect to a web page.

In order for this combination to render obvious Applicant's claimed invention, one skilled in the art would have to select particular component parts of Hudetz (e.g., scanning in a product code having no routing information embedded therein and linking the code to a web page), then select particular components of Nelson (e.g., a transponder and its associated personnel ID code which has no routing functionality associated therewith), then select particular components of Russell (e.g., automatically connecting to a web page based on an encoded URL

on a product where the encoded URL comprises the routing information), and then integrate these components in the particular manner required for Applicant's invention.

For the integration to work correctly, one skilled in the art would apparently, for some unexplained reason, select a code that equates to Applicant's code from the UPC type code of Hudetz, the ID code of Nelson, and the encoded URL of Russell, decide to integrate this code with the transponder of Nelson, and then selectively combine various aspects of the systems of Hudetz, Nelson, and Russell to place the code into the transponder, extract the code from the transponder, associate the code with a network location, and automatically direct a user to a web page associated with the network location without user intervention. As Applicant has explained in detail above, Applicant submits that the Examiner has failed to meet the burden imposed by both the MPEP and 35 U.S.C. § 103 for such a combination.

In summary, Applicant submits that the text cited by the Examiner from the various references fails to provide a suggestion or motivation for the various combinations because the text fails to illustrate "why" one skilled in the art would combine the references in the particular manner required. Instead, the text simply identifies particular components for each reference, combines them in a specific manner required by Applicant's claimed invention, and then states that it would be obvious to one skilled in the art to do so. This is clearly hindsight based reasoning that contravenes the standards imposed by both the MPEP and the Federal Circuit, and Applicant respectfully submits that the cited combinations are improper for reasons detailed above and requests that the rejections under § 103 be withdrawn.

Respectfully submitted,
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CLAIMS APPENDIX

Claim 1: A method of displaying a web page to a user, comprising the steps of:

providing a portable triggering device having a unique code stored therein;

extracting the unique code from the triggering device with an activation system when the portable triggering device is proximate to the activation system, the activation system disposed
5 on a network and physically separate from the triggering device;

retrieving location information associated with the unique code from a database, the location information corresponding to a location of the web page on a remote location disposed on the network;

in response to retrieving the location information, automatically connecting the activation
10 system to the remote location; and

presenting the web page corresponding to the location information of the remote location to the user via the activation system.

Claim 2: The method of Claim 1, wherein the triggering device in the step of providing is a portable wireless passive transponder.

Claim 3: The method of Claim 2, wherein the passive transponder has the unique code stored therein in a non-volatile memory.

Claim 4: The method of Claim 1, wherein the unique code in the step of providing is uniquely associated with the web page.

Claim 5: The method of Claim 1, wherein the triggering device further includes a unique transponder identification code stored therein, the unique transponder identification code being exclusively associated with that triggering device.

Claim 6: The method of Claim 5, wherein the step of extracting further includes extracting the unique transponder identification code from the triggering device with the activation system.

Claim 7: The method of Claim 6, wherein the step of retrieving location information further comprises the step of matching the unique code and the unique transponder identification code with the location information of the database.

Claim 8: The method of Claim 1, wherein the activation system in the step of extracting comprises a transmitter and a receiver each operatively connected to a computer, the transmitter for activating the triggering device with an activating signal, and the receiver for receiving a triggering signal having the unique code contained therein.

Claim 9: The method of Claim 1, wherein the step of retrieving location information further comprises the step of matching the unique code with the location information of the database.

Claim 10: The method of Claim 9, wherein the database in the step of retrieving is local to the activation system.

Claim 11: The method of Claim 9, wherein the database in the step of retrieving is located at an intermediary location on the network.

Claim 12: The method of Claim 11, wherein the step of retrieving location information from the intermediary location further comprises the step of appending to the unique code routing information which defines the location of the intermediary location on the network such that the unique code is transmitted to the intermediary location in accordance with the appended
5 routing information.

Claim 13: The method of Claim 1, wherein the activation system in the step of extracting further includes a unique interface identification code associated with the activation system.

Claim 14: The method of Claim 13, wherein the step of retrieving location information further comprises the step of appending the unique interface identification code to the unique code and transmitting it to the database.

Claim 15: The method of Claim 14, wherein the step of retrieving location information further comprises the step of matching the unique code and the unique interface identification code with the location information of the database.

Claim 16: The method of Claim 1, wherein the step of connecting is performed using a browser program.

Claim 17: (cancelled)

Claim 18: The method of Claim 1, wherein the step of presenting comprises displaying the web page to the user via a display operatively connected to the activation system.

Claim 19: An apparatus for displaying a web page to a user, comprising:

a portable triggering device of a user having a unique code stored therein; and

an activation system disposed on a network for extracting said unique code from said triggering device when said portable triggering device is proximate to said activation system,

5 said activation system physically separate from said triggering device ;

wherein location information associated with said unique code is retrieved from a database, said location information corresponding to a location of the web page on a remote location disposed on said network;

10 wherein in response to said location information being retrieved from said database, said activation system is automatically connected to said remote location;

wherein the corresponding web page of said remote location is presented to the user via said activation system.

Claim 20: The apparatus of Claim 19, wherein said triggering device is a portable wireless passive transponder.

Claim 21: The apparatus of Claim 20, wherein said passive transponder has said unique code stored therein in a non-volatile memory.

Claim 22: The apparatus of Claim 19, wherein said unique code is uniquely associated with the web page.

Claim 23: The apparatus of Claim 19, wherein said triggering device further includes a unique transponder identification code stored therein, said unique transponder identification code being exclusively associated with said triggering device.

Claim 24: The apparatus of Claim 19, wherein said activation system comprises a transmitter and a receiver each operatively connected to a computer, said transmitter for activating said triggering device with an activating signal, and said receiver for receiving a triggering signal having said unique code contained therein.

Claim 25: The apparatus of Claim 24, wherein said activation system is further adapted for receiving a unique transponder identification code from said triggering device.

Claim 26: The apparatus of Claim 19, wherein said unique code is matched with said location information of said database.

Claim 27: The apparatus of Claim 26, wherein a unique transponder identification code is also matched with said location information of said database.

Claim 28: The apparatus of Claim 26, wherein said database is local to said activation system.

Claim 29: The apparatus of Claim 26, wherein said database is located at an intermediary location on said network.

Claim 30: The apparatus of Claim 29, wherein routing information is appended to said unique code, said routing information defining the location of said intermediary location on said network such that said unique code is transmitted to said intermediary location in accordance with said appended routing information.

Claim 31: The apparatus of Claim 19, wherein said activation system further includes a unique interface identification code associated with said activation system.

Claim 32: The apparatus of Claim 31, wherein activation system retrieves location information corresponding to said unique code and said unique interface identification code from said database.

Claim 33: The apparatus of Claim 19, wherein said activation is connected to said remote location using a browser program.

Claim 34: (cancelled)

Claim 35: The apparatus of Claim 19, wherein the web page is presented to the user via a video display operatively connected to said activation system.

EVIDENCE APPENDIX

U.S. Patent No. 5,978,773 to Hudetz et al. (“Hudetz”) found in paragraphs 6-9, 12, 18-23, 25-29, and 33 of First Office Action (dated October 24, 2003), paragraphs 6-9, 11-13, 15, 18, 24-28, 30-34, 36, 38 and 57 of Final Office Action (dated July 6, 2004), paragraphs 8-11, 13-15, 17, 20, 26-30, 32-36, 38, 40, and 59-61 of Office Action (dated February 7, 2005), and paragraphs 8-11, 13-15, 17, 20, 26-30, 32-36, 40, and 58 of Final Office Action (dated September 12, 2005).

U.S. Patent No. 6,297,727 to Nelson (“Nelson”) found in paragraphs 6, 8-11, 13-17, 26-29, and 33 of First Office Action (dated October 24, 2003), paragraphs 6, 10-12, 15-17, 19-23, 30-34, 38, and 57-59 of Final Office Action (dated July 6, 2004), paragraphs 8, 12-14, 17-19, 21-25, 32-36, 40, 59, and 60 of Office Action (dated February 7, 2005). and paragraphs 8, 12-14, 17-19, 21-25, 32-36, 40, and 58 of Final Office Action (dated September 12, 2005).

U.S. Patent No. 5,605,248 to Russell et al. (“Russell”) found in paragraphs 6, 14, 15, 31-33, and 38 of Final Office Action (dated July 6, 2004), paragraphs 8, 16, 17, 32-36, 40 and 60 of Office Action (dated February 7, 2005), and paragraphs 8, 16, 17, 32-36, 40, and 58 of Final Office Action (dated September 12, 2005).

U.S. Patent No. 5,640,193 to Wellner (“Wellner”) found in paragraphs 26, 28-31, and 33 of First Office Action (dated October 24, 2003), paragraphs 31, 34-36, and 38 of Final Office Action (dated July 6, 2004), paragraphs 33, 35, 36-38, and 40 of Office Action (dated February 7, 2005), and paragraphs 33, 35-38, and 40 of Final Office Action (dated September 12, 2005).

U.S. Patent No. 6,446,871 to Buckley et al. (“Buckley”) found in paragraphs 6, 8-11, 13-17, 26-29, and 33 of First Office Action (dated October 24, 2003), paragraphs 41-44, 46, 49, 51-

56, and 63 of Office Action (dated February 7, 2005), and paragraphs 41-44, 46, 49, 51-56, 60, and 61 of Final Office Action (dated September 12, 2005).

U.S. Patent No. 5,903,225 to Schmitt et al. ("Schmitt") found in paragraphs 34, 36-38, and 40 of First Office Action (dated October 24, 2003), paragraphs 39, 43-46, 48, 54, and 62 of Final Office Action (dated July 6, 2004), paragraphs 41, 45-48, 50, 56, and 64 of Office Action (dated February 7, 2005), and paragraphs 41, 45-48, 50, 56, 60 and 61 of Final Office Action (dated September 12, 2005).

RELATED PROCEEDINGS APPENDIX

None.